

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ISMAEL MARRERO ROLÓN, et al.,

Plaintiffs,

v.

AUTORIDAD DE ENERGÍA ELÉCTRICA
a/k/a PUERTO RICO ELECTRIC POWER
AUTHORITY, et al.,

Defendants.

Civil No. 15-01167 (JAG)

CLASS ACTION

PREPA'S SUPPLEMENTAL INITIAL DISCLOSURES

The Puerto Rico Power Authority's (herein "PREPA") initial disclosures were submitted relying on Plaintiffs' allegations in the Complaint of an alleged fraudulent scheme, whereby PREPA purchased Non-compliant fuel oil at compliant fuel oil prices in exchange for kickbacks, bribes, lavish entertainment, commissions and gifts paid by yet undisclosed fuel oil suppliers to the PREPA participants, namely Edwin Rodriguez, Cesar Torres and William Clark. To this date, it is unclear who were the parties involved in the exchanges as well as, how, when and where they took place. Based on those allegations, PREPA disclosed the names of the three alleged PREPA participants who will vehemently deny, as part of PREPA's defense in the case, any participation whatsoever in a pay for play scheme as they did in their answer to the complaint and at the Senate hearings. PREPA also disclosed the names of Rafael Marrero and Lavinia Lebrón who have knowledge of the laboratory tests performed on fuel oil stored in the PREPA facilities to make sure that the same complied with the terms and conditions required by the Consent Decree entered into between EPA and PREPA dated 1999 as amended in 2004 as well as with other EPA and PREPA regulations. It is PREPA's position that it has complied fully with its obligations to submit initial disclosures as required under Rule 26, once again based on the alleged *fraudulent* scheme in the Complaint.

Notwithstanding, upon examination of our supplemental disclosures, and in a good faith attempt to avoid an unnecessary discovery dispute, PREPA hereby supplements its initial disclosures. Further, pursuant to the provisions of Fed.R.Civ.P. 26(a)(1) and (2), defendant PREPA, hereby makes the following initial disclosures. By making these disclosures, PREPA is not waving any objection/privilege to the disclosure, examination, production and/or the admissibility related to the content and/or subject matter of such disclosures.

I. NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH INDIVIDUAL LIKELY TO HAVE DISCOVERABLE INFORMATION THAT DEFENDANT MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES (FED.R.CIV.P. 26(a)(1)(A)(I))

Although PREPA is yet to determine which witnesses it will use at trial in order to support its claims/defenses in the present case, the following individuals are likely to have discoverable information that the defendant may use to support claims or defenses. Additionally, PREPA hereby supplements its initial disclosures in a good faith attempt to avoid any unnecessary discovery disputes. In particular, those related to a farewell retirement activity that was held in May of 2014 for William Clark. Also, PREPA hereby supplements its disclosures with the names of the following persons with knowledge of an audit concerning the Tennessee barge incident as well as PREPA's rate setting defense:

1. **Karen Melendez:** has personal knowledge of the activity organized the activity to celebrate the retirement of William Clark in May 2014. She presently works at PREPA's Office of Fuel Purchase and can be contacted through PREPA's attorneys.
2. **Mr. Pedro Rodriguez:** has personal knowledge of the audit conducted regarding the retirement activity of William Clark. He is currently an auditor with PREPA. Head of PREPA's Internal Audit Division.
3. **Engineer Sonia Miranda:** has personal knowledge of the rate setting process within PREPA. She was former Director of the Directorate of Planning and Environmental Protection and can be contacted through PREPA's attorneys.
4. **Rafael Marrero:** Currently occupies the position of Manager of the Department of Air Quality at PREPA. Has personal knowledge regarding the Tennessee Barge audit and can be contacted through PREPA's attorneys.
5. **William Clark:** has personal knowledge of the audit regarding the incident between Edwin Rodriguez and Abraham Ortiz.
6. **Representative from EPA:** Still unidentified EPA representative who has knowledge of test processes and test results conducted by EPA on PREPA during the class period.

Given that the Plaintiffs have not provided as part of their disclosures any concrete evidence to support the pay for play scheme alleged in the Complaint, PREPA does not find it necessary to defend itself, at this time, against those general claims in the Complaint regarding the adequacy or inadequacy of "internal or external audits, the outcomes of any Comptroller's investigations, board oversight and/or participation in audits, billing and collections (as to customers), billing and payments (as to laboratories and fuel oil suppliers)". Once again, absent any concrete evidence of the fraudulent scheme, in the form of pay for play alleged in the Complaint, the remaining allegations quoted above fail to state a colorable RICO claim. Notwithstanding, PREPA reserves the right to supplement its initial disclosures following any supplementation by Plaintiffs, the discovery process, and as further allowed by the Federal Rules of Civil Procedure.

II. COPY OF ALL DOCUMENTS THAT DEFENDANT MAY USE TO SUPPORT THE CLAIMS OR DEFENSES (FED.R.CIV.P. 26(a)(1)(A)(ii))

See Initial Disclosures sent on June 29, 2016.

III. COMPUTATION OF ANY CATEGORY OF DAMAGES CLAIMED BY DEFENDANT (FED.R.CIV.P. 26(a)(1)(A)(iii))

Not applicable.

IV. INFORMATION RELATED TO ANY INSURANCE AGREEMENT THAT COULD BE USED TO SATISFY PART OR ALL OF A JUDGMENT WHICH MAY BE ENTERED IN THE ACTION (FED.R.CIV.P. 26(a)(1)(A)(iv))

Not applicable.

PREPA reserves the right to supplement these disclosures pending further investigation and discovery.

RESPECTFULLY SUBMITTED

WE HEREBY CERTIFY that on this same date copy of this document has been served via the CM/ECF system upon counsel of record in this matter.

In San Juan, Puerto Rico, this 21st day of September, 2016.

s/Arturo Díaz-Angueira, 117907
s/Maraliz Vázquez-Marrero, 225504
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